

Appl. No.: 10/809,981
Atty Dkt. No.: 10030938-1

REMARKS

In view of the following remarks, the Examiner is requested to withdraw the rejections and allow claims 1-17, 19 and 21, the only claims pending and currently under examination in this application.

The specification has been amended for the sake of clarity and to fix typographical errors. No new matter has been added.

Claims 18 and 20 have been canceled.

Claims 1, 4, 5, 6, 8, 9, 15, 17, and 19 have been amended for clarity. Support for these amendments may be found in the Claims as originally presented and throughout the specification.

Support for Claim 1 can be found, for example, in paragraphs 45, 49-51 and Figure 3.

Support for Claim 4 can be found, for example, in paragraph 48.

Support for Claim 5 can be found, for example, in paragraph 48.

Support for Claim 6 can be found, for example, in paragraphs 45, 48-51 and Figure 3.

Support for Claim 8 can be found, for example, in paragraphs 11 and 49.

Support for Claim 9 can be found, for example, in paragraphs 40-41.

Support for Claim 15 can be found, for example, in paragraphs 71 and 80.

Support for Claim 17 can be found, for example, in paragraph 42.

Support for Claim 19 can be found, for example, in paragraph 42.

No new matter has been added.

As the above amendments introduce no new matter, their entry by the Examiner is respectfully requested.

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Claim Rejections - 35 USC § 112

Claims 1, 5, 18, and 20 have been rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In view of the amendments to Claims 1, 5, 18 and 20, Applicants respectfully request the Examiner to withdraw these rejections. Claim 1, as amended, now makes it clear that the nozzle plate, wells, orifices, and nozzle rows are elements of the printhead. Claim 5, as amended, now specifies entering criteria from both Printhead Assembly Objects and Printhead Group Objects such that it is clear how the control routine is configured based on criteria from both Objects. Claims 18 and 20 have been cancelled. Therefore, the rejections of Claims 1, 5, 18, and 20 under 35 U.S.C. § 112, second paragraph, may be withdrawn.

Claim Rejections - 35 USC § 102

Claims 1-21 have been rejected under 35 U.S.C. § 102(a) and (e) as allegedly being anticipated by Shchegrova et al. US 2003/0143329. Applicants respectfully request that the Examiner withdraw these rejections for the reasons that follow.

In order for Shchegrova to be prior art under § 102(a), Shchegrova must have been published before the invention date of the present application. Shchegrova was published on July 31, 2003, which is not before the invention date of the present application. Applicant submits herewith the inventors' Declaration under 37 C.F.R. § 1.131 showing that the invention date of the claimed invention precedes July 31, 2003, the publication date of Shchegrova. Accordingly, Shchegrova is not available as prior art under § 102(a) and the rejection of Claims 1-21 under § 102(a) may be withdrawn.

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Applicants traverse the rejection of Claims 1-21 under § 102(e) as allegedly being anticipated by Shchegrova. In order for Shchegrova to anticipate a claim under § 102, including § 102(e), Shchegrova must disclose each and every element of the claim, either explicitly or inherently.¹ Applicants submit that Shchegrova does not disclose each and every element of each of Claims 1-21.

Claims 1-21 include the step of selecting at least one printhead assembly, and Applicants submit that Shchegrova does not teach this step. In making the rejection of Claims 1-21 under § 102(e), the Examiner quoted paragraph 42 of Shchegrova: "... the process includes a step of choosing a frame with the most non-error dispensers (830) from among the available frames..." However, choosing a frame with the most non-error dispensers is not equivalent to selecting a printhead assembly. Paragraphs 25, 27, and 42 of Shchegrova explain what constitutes a frame with non-error dispensers. A frame refers to a series of dispensers which can simultaneously move along selected paths (Shchegrova, paragraph 27), a dispenser refers to the point from which drops are dispensed, such as outlet orifices of pulse jets (Shchegrova, paragraph 25), and error dispensers are dispensers which fail to meet criteria such as drop size, shape, or location (Shchegrova, paragraph 42). A printhead assembly, quite differently, is made up of one or more printhead groups, each printhead group being made up of one or more printheads, and each printhead containing nozzles, or dispensers. (Paragraph 45 and Figure 3 of the present application.) A printhead assembly may or may not contain multiple frames. (Shchegrova, paragraph 27.) Therefore, choosing a frame with the most non-error dispensers from among the available frames, and selecting a printhead assembly, are distinct steps.

¹ *Atlas Powder Co. v. E.I. DuPont de Nemours & Co.*, 224 U.S.P.Q. 409, 411 (Fed. Cir. 1984); *Glaxo v. Novopharm, Ltd.*, 334 U.S. P.Q.2d 1565 (Fed. Cir. 1995); *Verdegaal Bros. v. Union Oil of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987);

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Claims 1-21 also include the step of entering printhead-related data including criteria selected from one or more of: the type of said printhead, number of printheads of said printhead assembly, type of nozzle plate on said printhead, alignment method of said nozzle plate, number of wells per said printhead, number of orifices per said well, number of nozzle rows per said printhead, spacing between said printhead orifices, and spacing between said nozzle rows. Applicants submit that Shchegrova does not disclose this step. In the Office Action of April 1, 2008, the Examiner quoted paragraph 44 of Shchegrova: "In a further step a best non-error dispenser is then selected... using the pre-loaded into a memory 141 or manually entered by an operator criteria based on any one or more of size, location, or shape of a deposited drop, and the result stored in a memory..." However, a best non-error dispenser is not printhead-related data. The only elements of the printhead-related data group which directly pertain to dispensers are the number of orifices per well and the spacing between printhead orifices. The step of entering a best non-error dispenser involves pinpointing one dispenser which bears a particular characteristic, and that is distinct from counting the number of orifices per well, just as it is distinct from discerning the spacing between printhead orifices. Therefore, Shchegrova does not teach the step of entering printhead-related data.

Thus, it follows that Shchegrova also does not teach configuring a printhead control routine based on printhead-related data, because Shchegrova does not teach entering any printhead-related data on which to base configuring a printhead control routine.

As a result, Shchegrova does not disclose each and every element in each of Claims 1-21 and does not anticipate Claims 1-21. Accordingly, the rejection of claims 1-21 under 35 U.S.C. § 102(e) may be withdrawn.

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CONCLUSION

In view of the amendments and remarks above, Applicants submit that all pending claims are in condition for allowance and respectfully request a Notice of Allowance. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone Bret E. Field at (650) 327-3400.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-1078, order number 10030938-1

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: July 1, 2008

By: /Bret E. Field, Reg. No. 37,620/
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